



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 26, 1995

Ms. Christine T. Rodriguez
Staff Attorney
Legal and Compliance, MC110-1A
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR95-1142

Dear Ms. Rodriguez:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 36287.

The Texas Department of Insurance (the "department") received a request for information concerning Guaranty National Companies and Landmark American Insurance Company. You inform us that the department will provide some of the requested information to the requestor. However, the department seeks to withhold part of the requested information from required public disclosure based on sections 552.101 and 552.112 of the Government Code. You enclosed as a "representative sample" of the information the department seeks to withhold a "Market Conduct Examination Report" pertaining to the Landmark American Insurance Company and prepared by the department.

Section 552.112(a) excepts from required public disclosure

information contained in or related to examination, operating, or condition reports prepared by or for an agency responsible for the regulation or supervision of financial institutions or securities, or both.

Insurance companies are included within the term "financial institutions" for purposes of section 552.112(a). Open Records Decision No. 158 (1977) at 5-6. The information at issue is "information contained in or related to [an] examination . . . report prepared by " the department. Accordingly, we conclude that the department may withhold this information from required public disclosure.¹

Having concluded that the department may withhold the requested information based on section 552.112 of the Government Code, we need not address your section 552.101 claim. We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 36287

Enclosures: Submitted document

cc: Ms. Priscilla E. Perry
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¹In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.